

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34877 of 2015

S.Palanichamy (Rtd.HC-1363)

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.by its Secretary to Home Department,
Fort St.George,
Chennai - 600 009.
 2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.
 3. The Commissioner of Police,
Coimbatore City.
- Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularize the service seniority and give the notional promotion and revise the pension with monetary benefits equal to the post of Inspector of Police Rank to the petitioner on the basis of the implementation order passed to the one D.Thangapandiyan SSI, S.Michel Antony SSI, R.Paul Durai SSI and their proceedings C.No.A1/ 12265/ 2013, R.O.O.No.141/2015 dated 27.03.2015 and on the basis of the petitioners representation dated 08.06.2015.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent the writ petition is taken up for final disposal.

2. The petitioner was appointed as Grade II Police Constable on 17.11.1965 and got his promotion to the post of Grade I Police Constable on 17.11.1992 and further promotion as Head Constable on 17.11.1996 and retired from service on 31.08.1998. The petitioner has submitted several representations for regularization of his promotion and fixation of his seniority in terms of G.O.Ms.Nos.1681 and 844 of Home (Police - V) Department dated 12.10.1992 and 03.06.1997 respectively and also submitted his representation on 08.06.2015 and since no orders have been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that persons similarly placed, aggrieved with regard to the non confirmation of benefits had approached this Court by filing W.P.Nos.2989, 2888 and 2864 of 2011 and the said Writ Petitions were allowed and the State filed Writ Appeals in W.A.Nos.361, 364 and 367 of 2012 and the Writ Appeals were allowed and the petitioners therein filed Review Applications and the Review Applications were allowed and the State filed SLPs which were dismissed and thereafter, the orders were implemented vide proceedings of the Inspector General of Police, Tirunelveli Range in C.No.A1/12265/2013 R.O.O.No.141/2015 dated 27.03.2015 and prays for appropriate orders.

4. Per contra, Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents would strenuously oppose this writ petition by contending that the petitioner is at present aged about 75 years and though he retired from service as early as on 31.08.1998, choose to make a belated claim by waiting on the side lines and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 08.06.2015 on merits and in accordance with

law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 600 004.
3. The Commissioner of Police,
Coimbatore City.

+1cc to Mr.A.Rajaram, Advocate, S.R.No.59650
+1cc to the Government Pleader, S.R.No.60053

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MG(CO)
CA(20/11/2015)

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